

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 261 of 2005

Between:

Chamala Niranjana Reddy, S/o. Damodar Reddy,
H.No. R/o. 4-92, Street No. 8, Snehanagar Colony, Habsiguda,
Ranga Reddy District.

..... PETITIONER

AND

- 1 The Chief Judge, City Civil Court, Hyderabad.
- 2 The Principal District Judge, Ranga Reddy District, At L.B. Nagar,
Ranga Reddy District.
- 3 The Senior Civil Judge, Suryapet, Nalgonda District.
- 4 The Shriram Chits & Finance (P) Limited, Rep. by its Deputy General Manager,
Himayathnagar, Hyderabad.
- 5 The Shriram Chits & Finance (P) Limited, Rep. by its Foreman cum Manager,
Branch Office situated at Suryapet, Nalgonda District.
- 6 Chamala Damodar Reddy, S/o. Venkat Reddy,
R/o. Ramagiri Village, Shalogowaram Mandal, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order or orders more particularly in the nature of Writ of Mandamus by declaring the action of the Respondents No.1 to 3 in Attaching the Petitioner's movables at his house in E.P.No. 52 of 2004 in O.S.No.21 of 2002 on the file of Third Respondent as illegal, arbitrary and against the principles of Natural Justice

and consequentially set-aside the same.

Counsel for the Petitioner:MR.K.VENKATA REDDY

Counsel for the Respondent Nos.1 to 3: SMT.M. BHASKARA LAKSHMI

Counsel for the Respondents 4 and 5: None appeared

Counsel for the Respondent No.6: None appeared

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Petitioner states that he is not the judgment debtor and his property has been attached pursuant to a precept which was issued by the Court of Senior Civil Judge, Suryapet to Chief Judge, City Civil Court, Hyderabad. Instead of receiving the precept, the Central Nazar of the City Civil Court, Hyderabad has forwarded the same to the Central Nazar, District Court, Rangareddy. Therefore, it is urged that the receipt of the precept by the Ranga Reddy District Court is without jurisdiction and consequently the attachment is also without jurisdiction.

Petitioner has got an alternative efficacious remedy of filing objections against attachment on all available grounds including the one taken herein and there is no reason that once such objections are raised, the same will not be heard and decided in accordance with law. Therefore, filing of writ petition is mis-conceived.

The writ petition is accordingly dismissed. No costs.

DEVINDER GUPTA, CJ

Date: 25th January, 2005

M. NARAYANA REDDY, J

pnb

To

1. The Chief Judge, City Civil Court, Hyderabad.

2. The Principal District Judge, Ranga Reddy District at L.B.

Nagar, Ranga Reddy District.

3. The Senior Civil Judge, Suryapet, Nalgonda District.

4. Two C.D. copies